IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.335 OF 1999
IN
COMPANY PETITION NO.418 OF 1998

The Ruby Mills Ltd. .... Petitioner
Vs.
Alpic Finance Limited .... Respondent

Sarvasri Naushad Engineer with L.S. Krishnamoorthi for the Petitioner.

Shri Debashish Mitra for the Official Liquidator.

CORAM: R.M.S. KHANDEPARKAR &
D.G. KARNIK, JJ.

DATED: JUNE 06, 2007

P.C:

1. Heard the learned Advocate for the petitioner/appellant. None present for the respondent, though served.

2. This appeal arises from the order dated 2-12-1998 passed in Company Petition No.418 of 1998 whereby the petition for winding up of the respondent-company has been dismissed.

3. The learned Advocate appearing for the appellant has brought to our notice the various orders passed against the respondent-company in different petitions whereby the company petitions for winding up of the

respondent-company have been admitted and even provisional liquidator has been appointed in Company Application No.100 of 2002 in Company Petition No.853 of 2000. In the circumstances, it is not necessary to go into the various contentions sought to be raised in the matter, suffice to observe that in view of the fact that already winding up petitions have been admitted against the respondent-company, the impugned order cannot be sustained and is liable to be set aside and the Company Petition No.418 of 1998 to be restored to the board and will stand admitted for further proceedings. The copy of the order dated 2-8-2002 passed in Company Application No.100 of 2002 in Company Petition No.853 of 2000 is taken on record.

4. In the result, the impugned order is set aside and the Company Petition No.418 of 1998 is restored to the board and stands admitted and to be heard along with the Company Petition No.853 of 2000. There shall be no order as to costs. The appeal accordingly stands disposed of.

(D.G.Karnik, J.) (R.M.S.Khandeparkar, J.)

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